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State of Minnesota

HOUSE OF REPRESENTATIVES

## NINETIETH SESSION

H. F. No. **3795**

03/14/2018	Authored by Koznick, Youakim, Torkelson, Pierson, Peterson and others The bill was read for the first time and referred to the Committee on Transportation and Regional Governance Policy
03/21/2018	Adoption of Report: Amended and re-referred to the Committee on Civil Law and Data Practices Policy
03/26/2018	Adoption of Report: Amended and re-referred to the Committee on Health and Human Services Finance

1.1 A bill for an act

1.2 relating to transportation; authorizing data sharing between the Department of

1.3 Human Services and the Metropolitan Council for special transportation purposes;

1.4 extending the Metro Mobility service area; amending Minnesota Statutes 2016,

1.5 sections 13.72, subdivision 10; 473.386, subdivision 3, by adding a subdivision;

1.6 Minnesota Statutes 2017 Supplement, section 13.46, subdivision 2.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2017 Supplement, section 13.46, subdivision 2, is amended  
1.9 to read:

1.10 Subd. 2. **General.** (a) Data on individuals collected, maintained, used, or disseminated  
1.11 by the welfare system are private data on individuals, and shall not be disclosed except:

1.12 (1) according to section 13.05;

1.13 (2) according to court order;

1.14 (3) according to a statute specifically authorizing access to the private data;

1.15 (4) to an agent of the welfare system and an investigator acting on behalf of a county,  
1.16 the state, or the federal government, including a law enforcement person or attorney in the  
1.17 investigation or prosecution of a criminal, civil, or administrative proceeding relating to the  
1.18 administration of a program;

1.19 (5) to personnel of the welfare system who require the data to verify an individual's  
1.20 identity; determine eligibility, amount of assistance, and the need to provide services to an  
1.21 individual or family across programs; coordinate services for an individual or family;  
1.22 evaluate the effectiveness of programs; assess parental contribution amounts; and investigate  
1.23 suspected fraud;

2.1 (6) to administer federal funds or programs;

2.2 (7) between personnel of the welfare system working in the same program;

2.3 (8) to the Department of Revenue to assess parental contribution amounts for purposes  
2.4 of section 252.27, subdivision 2a, administer and evaluate tax refund or tax credit programs  
2.5 and to identify individuals who may benefit from these programs. The following information  
2.6 may be disclosed under this paragraph: an individual's and their dependent's names, dates  
2.7 of birth, Social Security numbers, income, addresses, and other data as required, upon  
2.8 request by the Department of Revenue. Disclosures by the commissioner of revenue to the  
2.9 commissioner of human services for the purposes described in this clause are governed by  
2.10 section 270B.14, subdivision 1. Tax refund or tax credit programs include, but are not limited  
2.11 to, the dependent care credit under section 290.067, the Minnesota working family credit  
2.12 under section 290.0671, the property tax refund and rental credit under section 290A.04,  
2.13 and the Minnesota education credit under section 290.0674;

2.14 (9) between the Department of Human Services, the Department of Employment and  
2.15 Economic Development, and when applicable, the Department of Education, for the following  
2.16 purposes:

2.17 (i) to monitor the eligibility of the data subject for unemployment benefits, for any  
2.18 employment or training program administered, supervised, or certified by that agency;

2.19 (ii) to administer any rehabilitation program or child care assistance program, whether  
2.20 alone or in conjunction with the welfare system;

2.21 (iii) to monitor and evaluate the Minnesota family investment program or the child care  
2.22 assistance program by exchanging data on recipients and former recipients of food support,  
2.23 cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter  
2.24 119B, medical programs under chapter 256B or 256L, or a medical program formerly  
2.25 codified under chapter 256D; and

2.26 (iv) to analyze public assistance employment services and program utilization, cost,  
2.27 effectiveness, and outcomes as implemented under the authority established in Title II,  
2.28 Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of 1999.  
2.29 Health records governed by sections 144.291 to 144.298 and "protected health information"  
2.30 as defined in Code of Federal Regulations, title 45, section 160.103, and governed by Code  
2.31 of Federal Regulations, title 45, parts 160-164, including health care claims utilization  
2.32 information, must not be exchanged under this clause;

(10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;

(11) data maintained by residential programs as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state according to Part C of Public Law 98-527 to protect the legal and human rights of persons with developmental disabilities or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person;

(12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person;

(13) data on a child support obligor who makes payments to the public agency may be disclosed to the Minnesota Office of Higher Education to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5);

(14) participant Social Security numbers and names collected by the telephone assistance program may be disclosed to the Department of Revenue to conduct an electronic data match with the property tax refund database to determine eligibility under section 237.70, subdivision 4a;

(15) the current address of a Minnesota family investment program participant may be disclosed to law enforcement officers who provide the name of the participant and notify the agency that:

(i) the participant:

(A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony under the laws of the jurisdiction from which the individual is fleeing; or

(B) is violating a condition of probation or parole imposed under state or federal law;

(ii) the location or apprehension of the felon is within the law enforcement officer's official duties; and

(iii) the request is made in writing and in the proper exercise of those duties;

(16) the current address of a recipient of general assistance may be disclosed to probation officers and corrections agents who are supervising the recipient and to law enforcement officers who are investigating the recipient in connection with a felony level offense;

(17) information obtained from food support applicant or recipient households may be disclosed to local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food Stamp Act, according to Code of Federal Regulations, title 7, section 272.1(c);

(18) the address, Social Security number, and, if available, photograph of any member of a household receiving food support shall be made available, on request, to a local, state, or federal law enforcement officer if the officer furnishes the agency with the name of the member and notifies the agency that:

(i) the member:

(A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

(B) is violating a condition of probation or parole imposed under state or federal law;  
or

(C) has information that is necessary for the officer to conduct an official duty related to conduct described in subitem (A) or (B);

(ii) locating or apprehending the member is within the officer's official duties; and

(iii) the request is made in writing and in the proper exercise of the officer's official duty;

(19) the current address of a recipient of Minnesota family investment program, general assistance, or food support may be disclosed to law enforcement officers who, in writing, provide the name of the recipient and notify the agency that the recipient is a person required to register under section 243.166, but is not residing at the address at which the recipient is registered under section 243.166;

(20) certain information regarding child support obligors who are in arrears may be made public according to section 518A.74;

(21) data on child support payments made by a child support obligor and data on the distribution of those payments excluding identifying information on obligees may be disclosed to all obligees to whom the obligor owes support, and data on the enforcement actions undertaken by the public authority, the status of those actions, and data on the income of the obligor or obligee may be disclosed to the other party;

(22) data in the work reporting system may be disclosed under section 256.998, subdivision 7;

(23) to the Department of Education for the purpose of matching Department of Education student data with public assistance data to determine students eligible for free and reduced-price meals, meal supplements, and free milk according to United States Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and state funds that are distributed based on income of the student's family; and to verify receipt of energy assistance for the telephone assistance plan;

(24) the current address and telephone number of program recipients and emergency contacts may be released to the commissioner of health or a community health board as defined in section 145A.02, subdivision 5, when the commissioner or community health board has reason to believe that a program recipient is a disease case, carrier, suspect case, or at risk of illness, and the data are necessary to locate the person;

(25) to other state agencies, statewide systems, and political subdivisions of this state, including the attorney general, and agencies of other states, interstate information networks, federal agencies, and other entities as required by federal regulation or law for the administration of the child support enforcement program;

(26) to personnel of public assistance programs as defined in section 256.741, for access to the child support system database for the purpose of administration, including monitoring and evaluation of those public assistance programs;

(27) to monitor and evaluate the Minnesota family investment program by exchanging data between the Departments of Human Services and Education, on recipients and former recipients of food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, medical programs under chapter 256B or 256L, or a medical program formerly codified under chapter 256D;

(28) to evaluate child support program performance and to identify and prevent fraud in the child support program by exchanging data between the Department of Human Services, Department of Revenue under section 270B.14, subdivision 1, paragraphs (a) and (b), without regard to the limitation of use in paragraph (c), Department of Health, Department of Employment and Economic Development, and other state agencies as is reasonably necessary to perform these functions;

(29) counties operating child care assistance programs under chapter 119B may disseminate data on program participants, applicants, and providers to the commissioner of education;

(30) child support data on the child, the parents, and relatives of the child may be disclosed to agencies administering programs under titles IV-B and IV-E of the Social Security Act, as authorized by federal law;

(31) to a health care provider governed by sections 144.291 to 144.298, to the extent necessary to coordinate services;

(32) to the chief administrative officer of a school to coordinate services for a student and family; data that may be disclosed under this clause are limited to name, date of birth, gender, and address; ~~or~~

(33) to county correctional agencies to the extent necessary to coordinate services and diversion programs; data that may be disclosed under this clause are limited to name, client demographics, program, case status, and county worker information; or

(34) between the Department of Human Services and the Metropolitan Council for the following purposes:

(i) to coordinate special transportation service provided under section 473.386 with services for disabled and elderly individuals funded by or through the Department of Human Services; and

(ii) to provide for reimbursement of special transportation service provided under section 473.386.

(b) Information on persons who have been treated for drug or alcohol abuse may only be disclosed according to the requirements of Code of Federal Regulations, title 42, sections 2.1 to 2.67.

(c) Data provided to law enforcement agencies under paragraph (a), clause (15), (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected nonpublic while the investigation is active. The data are private after the investigation becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

(d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but are not subject to the access provisions of subdivision 10, paragraph (b).

For the purposes of this subdivision, a request will be deemed to be made in writing if made through a computer interface system.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

7.1 Sec. 2. Minnesota Statutes 2016, section 13.72, subdivision 10, is amended to read:

7.2 Subd. 10. **Transportation service data.** (a) Personal, medical, financial, familial, or  
7.3 locational information data pertaining to applicants for or users of services providing  
7.4 transportation for the disabled or elderly individuals are private data on individuals.

7.5 (b) Private transportation service data may be disclosed between the Department of  
7.6 Human Services and the Metropolitan Council for purposes of administering and coordinating  
7.7 human services programs and transportation services for disabled and elderly individuals  
7.8 under section 473.386.

7.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.10 Sec. 3. Minnesota Statutes 2016, section 473.386, subdivision 3, is amended to read:

7.11 Subd. 3. **Duties of council.** In implementing the special transportation service, the council  
7.12 shall:

7.13 (a) encourage participation in the service by public, private, and private nonprofit  
7.14 providers of special transportation currently receiving capital or operating assistance from  
7.15 a public agency;

7.16 (b) when feasible and cost-efficient, contract with public, private, and private nonprofit  
7.17 providers that have demonstrated their ability to effectively provide service at a reasonable  
7.18 cost;

7.19 (c) encourage individuals using special transportation to use the type of service most  
7.20 appropriate to their particular needs;

7.21 (d) encourage shared rides to the greatest extent practicable;

7.22 (e) encourage public agencies that provide transportation to eligible individuals as a  
7.23 component of human services and educational programs to coordinate with this service and  
7.24 to allow reimbursement for transportation provided through the service at rates that reflect  
7.25 the public cost of providing that transportation;

7.26 (f) establish criteria to be used in determining individual eligibility for special  
7.27 transportation services;

7.28 (g) consult with the Transportation Accessibility Advisory Committee in a timely manner  
7.29 before changes are made in the provision of special transportation services;

7.30 (h) provide for effective administration and enforcement of council policies and standards;  
7.31 and

(i) ensure that, taken as a whole including contracts with public, private, and private nonprofit providers, the geographic coverage area of the special transportation service is continuous within the boundaries of the transit taxing district, as defined as of March 1, 2006, in section 473.446, subdivision 2, and any area added to the transit taxing district under section 473.4461 that received capital improvements financed in part by the Minnesota Urban Partnership Agreement (UPA) under the United States Department of Transportation UPA program.

**EFFECTIVE DATE; APPLICATION.** This section is effective the day following final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 4. Minnesota Statutes 2016, section 473.386, is amended by adding a subdivision to read:

**Subd. 9. Data practices.** (a) For purposes of administering this section, and only with the consent of the data subject, the commissioner of human services and the Metropolitan Council may share the following private data on individuals eligible for special transportation services:

(1) name;

(2) date of birth;

(3) residential address; and

(4) program eligibility status with expiration date for the purposes of informing the other party of program eligibility.

(b) The commissioner of human services and the Metropolitan Council must provide notice to each individual using or seeking to use special transportation services. The notice must seek consent to engage in data sharing under paragraph (a), and must state how and for what purposes the individual's data will be shared between the Department of Human Services and the Metropolitan Council.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.